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P.O. Box 1450
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ELECTION UNDER
35 USC §121
Examining Group
Patent Application
Docket No. DAS-104XC1
Serial No. 10/754,115
Confirmation No. 8974

Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Karen C. Carlson
Art Unit : 1653
Applicant(s) : Timothy D. Hey, Amanda D. Schleper, Scott A. Bevan, Scott B. Bintrim, Jon C. Mitchell, Ze Sheng Li, Weiting Ni, Baolong Zhu, Donald J. Merlo, Patricia C. Apel-Birkhold, Tom Meade
Serial No. : 10/754,115
Filed : January 7, 2004
For : Mixing and Matching TC Proteins for Pest Control

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ELECTION UNDER 35 USC §121

Sir:

In response to the Restriction Requirement dated July 8, 2005, the applicants hereby elect Group I (claims 1-15 and 18-20, directed to a method of controlling insects via Protein A, Protein B, and Protein C). The applicants wish to note, however, that in contrast to the statement made on page 3 of the office action, these methods do not exclude the use of transgenic plants.

Applicants also hereby elect the following sequences: SEQ ID NO:20 (XptA2) for Protein A, SEQ ID NO:45 (TcdB2) for Protein B, and SEQ ID NO:57 (TccC5) for Protein C, for initial examination purposes.

The applicants also wish to note that SEQ ID NO:21, mentioned in the office action, is a combined DNA and amino acid sequence. The same is true for SEQ ID NO:57. The claims refer to the amino acid sequences thereof.

Although it is believed that no fees are due in connection with this Election, the Commissioner is hereby authorized to charge any such fees to Deposit Account 19-0065.

The applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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